



09.12.05

ZFW
DAC

PATENTS

Attorney Docket No. VPI/94-04CIP2DIV5

Examiner : David Lukton
Group : 1654
Applicants : Guy W. Bemis et al.
Appln. No. : 09/886,773 Confirmation No.: 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β CONVERTING
ENZYME

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EV 619642484 US.

Date of Deposit September 9, 2005

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Mail Stop Petition, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mail Stop Petition
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

New York, New York
September 9, 2005

TRANSMITTAL LETTER

Sir:

Transmitted herewith:

[X] Petition to Withdraw Holding of Abandonment
Pursuant to 37 C.F.R. § 1.181(a) or, in the Alternative, to

Revive Unintentionally Abandoned Application Pursuant to
37 C.F.R. § 1.137(b) with Exhibits 1-5 (in duplicate);

[X] Declaration of Michele A. Kercher in Support of
Petition; and

[X] Postcard

to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	=	x \$50	= \$ 0.00
INDEPENDENT CLAIMS	-	=	x \$200	= \$ 0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$360	= \$ 0.00
TOTAL				\$0.00

[] A check in the amount of \$____ in payment of the fee for
additional claims is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any
additional fees required under 37 C.F.R. § 1.16 in
connection with the paper(s) transmitted herewith, or
credit any overpayment of same, to Deposit Account
No. 06-1075, Order No. 003681-0005. A duplicate copy of
this transmittal letter is transmitted herewith.

[] Please charge \$ __ to Deposit Account No. 06-1075,
Order No. 003681-0005 in payment of the fee for additional

claims. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

- ☐ The following extension fee is applicable to the Response filed herewith: ☐ \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,160.00 extension fee for response within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of ☐ \$120.00 ☐ \$450.00 ☐ \$1,020.00 ☐ \$1,590.00 ☐ \$2,160.00 in payment of the extension fee is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional extension fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075, Order No. 003681-0005. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge the ☐ \$120.00 ☐ \$450.00 ☐ \$1,020.00 ☐ \$1,590.00 ☐ \$2,160.00 extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

The Director is hereby authorized to charge payment of any fees required in connection with the paper(s) transmitted herewith to Deposit Account No. 06-1075, Order No. 003681-0005. A duplicate copy of this transmittal letter is transmitted herewith.

Michele A. Kercher

James F. Haley, Jr. (Reg. No. 27,794)

Attorney for Applicants

Michele A. Kercher (Reg. No. 51,869)

Agent for Applicants

c/o FISH & NEAVE IP GROUP

ROPES AND GRAY LLP

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020

Tel.: (212) 596-9000



EV 619642484 US

PATENTS
VPI/94-04 CIP2 DIV5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : David Lukton
Group : 1654
Applicants : Guy W. Bemis, et al.
Appln. No. : 09/886,773 Confirmation No. 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β CONVERTING
ENZYME

Mail Stop Petition

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

New York, New York
September 9, 2005

PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO
37 C.F.R. § 1.181(a) OR, IN THE ALTERNATIVE, TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION
PURSUANT TO 37 C.F.R. § 1.137(b)

Sir:

Pursuant to 37 C.F.R. § 1.181(a), applicants
hereby petition to withdraw the holding of abandonment of
the above-identified patent application. For the reasons
given below, applicants respectfully request withdrawal of
the abandoned status of the above-identified application.

However, should this petition be treated as a
petition under 37 C.F.R. § 1.137(b), applicants hereby

petition to revive the above-identified application, which was unintentionally abandoned.

On July 14, 2005, the U.S. Patent and Trademark Office issued a Notice of Abandonment ("July 2005 Notice", copy attached as Exhibit 1) in the above application. The July 2005 Notice states that the application is abandoned for failure to timely file a proper reply to the Office Letter mailed April 1, 2004 ("April 2004 Notice", copy attached as Exhibit 2). The July 2005 Notice also states that applicants filed a response on April 1, 2004 ("April 2004 Response") which was an unsuccessful attempt to comply with the sequence listing requirement mailed on March 1, 2004 ("March 2004 Notice"). The July 2005 Notice further states that in an April 1, 2004 ("April 2004 Notice") letter, applicants were informed that they still had not complied with the sequence rules.

Applicants respectfully traverse. On March 1, 2004 the Examiner issued a Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures ("March 2004 Notice", copy attached as Exhibit 3). On April 1, 2004 applicants submitted a Statement to Verify Content of Computer Readable Form Submission Under 37 C.F.R. § 1.821

and paper copy of the Sequence Listing. (copy attached as Exhibit 4).*

On April 1, 2004, the same day that applicants submitted the April 2004 Response, the Examiner issued the April 2004 Notice (see Exhibit 2), in response to applicants' March 3, 2004 and March 11, 2004 Supplemental Amendments. In that April 2004 Notice, the Examiner indicated that the Supplemental Amendments were not responsive to the March 2004 Notice and that compliance with the sequence disclosure rules was required.

As detailed in the Declaration of Michele Kercher, on April 26, 2004, the undersigned contacted the Examiner telephonically to confirm that the April 2004 Response had been received by the USPTO. The Examiner confirmed that the April 2004 Notice and the April 2004 Response had crossed in the mail but that the April 2004 Response had been received.

On January 19, 2005 and January 21, 2005 the Examiner contacted applicants' agents telephonically stating that applicants' April 2004 Response was potentially defective. The Examiner did not mail

* Applicants note that on each of March 3, 2004 and March 11, 2004, applicants submitted a Supplemental Amendment, neither of which addressed the sequence listing requirements.

applicants any written notice that the April 2004 Response was defective.

On February 28, 2005, applicants submitted a Corrected Reply to Notice to Comply With Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures ("Corrected Reply", copy attached as Exhibit 5) in response to the Examiner's January 2005 teleconferences. The Corrected Reply was filed within 30 days of the earlier of the two January 2005 teleconferences with the Examiner. Applicants believed that this would correct any procedural defects that may have been present in the April 2004 Response.

The foregoing demonstrates that applicants filed timely responses to the March 2004 and April 2004 Notices. Thus contrary to the July 2005 Notices, the application was not abandoned. Accordingly, applicants request withdrawal of the holding of abandonment of this application.

Alternately, applicants request that this application be revived in order to reopen prosecution and allow consideration of the Corrected Reply which was previously filed on February 18, 2005 (copy attached herewith as Exhibit 5 as required by 37 C.F.R. § 1.137(b)(1)). This application was not intentionally abandoned. Furthermore, as described above,

based on all the relevant circumstances, the entire period of delay in filing the required reply from the April 1, 2004 due date for the reply until the filing of the present petition was unintentional. If the application is revived, a terminal disclaimer under 37 C.F.R. § 1.137(d) is not required.

The Director is hereby authorized to charge any fee that may be due in connection with this Petition to Deposit Account No. 60-1075, Order No. 003681-0005. A duplicate copy of this Petition is enclosed.

Michele A. Kercher

James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
Michele A. Kercher (Reg. No. 51,869)
Agent for Applicants
c/o FISH & NEAVE IP GROUP
ROPES AND GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000

Exhibit 1

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,773	06/21/2001	Guy W. Bemis	VPI94-04DIV5	6928

1473 7590 07/14/2005

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL 6
NEW YORK, NY 10020-1105

RECEIVED

JUL 18 2005

DATE MAILED: 07/14/2005

REMEMBER - PLEASE INITIAL
THIS DOCUMENT TO INDICATE
THAT YOU HAVE SEEN IT

ROPES & GRAY LLP - PATENT DEPT.
REFERRED TO MARK
NOTED BY MARK 7/13/05

EXAMINER

LUKTON, DAVID

ART UNIT PAPER NUMBER

1654

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

Notice of Abandonment

Application No.

09/886,773

Examiner

David Lukton

Applicant(s)

BEMIS ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4/1/04.
 - (a) ☒ A reply was received on 18 February 2005 (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of 0 month(s)) which expired on 7/1/04.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent of the applicants upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

On 3/1/04, a requirement for CRF sequence listing was mailed. Pursuant to the response filed 4/1/04, applicants made an (unsuccessful) attempt to comply with the sequence listing requirement. In a letter mailed 4/1/04, applicants were informed that they had still not complied with the sequence rules. Applicants did finally comply with the sequence rules, but not until 2/18/05, which is beyond the 6 month statutory deadline for compliance.

DAVID LUKTON
PATENT EXAMINER
GROUP 1800

D. Lukton

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Exhibit 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,773	06/21/2001	Guy W. Bemis	VPI94-04DIV5	6928
1473	7590	04/01/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			LUKTON, DAVID	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

APR - 7 2004

FISH & NEAVE - PATENT DEPT.

REFERRED TO WAX
NOTED BY MW

REMINDER - PLEASE INITIAL
THIS DOCUMENT TO INDICATE
THAT YOU HAVE SEEN IT

DOCKETED FOR 5/1/04

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/886773

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

2004-0301

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see the attached communication regarding the amendments filed 3/4/04 and 3/11/04.

Serial No. 09/886773
Art Unit 1653

- 2 -

Applicants' amendments filed 3/4/04 and 3/11/04 are acknowledged. However, these amendments are non-responsive to the Office action mailed 3/1/04. That Office action indicated the need for compliance with the sequence disclosure rules. The amendments filed 3/4/04 and 3/11/04 do not address this issue. Compliance with the sequence disclosure rules is still required.

The time for response (one month) is reset pursuant to this Office action. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at 571-272-0951. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

D. Lukton

DAVID LUKTON
PATENT EXAMINER
GROUP 1600

Exhibit 3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,773	06/21/2001	Guy W. Bemis	VPI94-04DIV5	6928

1473 7590 03/01/2004
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
50TH FLOOR
NEW YORK, NY 10020-1105

EXAMINER

LUKTON, DAVID

ART UNIT

PAPER NUMBER

1653

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

RECEIVED

MAR - 4 2004

FISH & NEAVE - PATENT DEPT.

REFERRED TO
NOTED BY

RECEIVED - FILE THE INITIAL
THIS DOCUMENT TO INDICATE
THAT YOU HAVE SEEN IT

DOCKETED FOR 4/1/04

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

09/886773

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

2004-0201

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see the attached communication regarding sequence rule compliance.

Pursuant to the directives of the amendment filed 12/16/03, claims 76, 105-107, 118, 126-128 have been cancelled, and claims 129-134 added. Claims 102-104, 125, 129-134 are now pending.

Applicants' arguments filed 12/16/03 are acknowledged. A response thereto will be forthcoming after applicants have complied with the sequence rules.

*

This application contains at least one sequence disclosure that is encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can (continue to) be examined under 35 U.S.C. §§ 131 and 132.

See, for example, the sequence on page 120, lines 21-22 and page 121, line 18.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

*

Serial No. 09/886,773
Art Unit 1653

-3-

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at 571-272-0951. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

David Lukton

DAVID LUKTON
PATENT EXAMINER
GROUP 1868

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
- For CRF Submission Help, call (703) 308-4212
- For PatentIn software Program Support:
 - HELP DESK: (703) 739-8559, ext 508, M-F, 8 AM to 5 PM EST except holidays
 - Email: PATIN21HELP@uspto.gov
 - To purchase PatentIn software: (703) 306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
VPI/94-04 CIP2 DIV5SERIAL NO.
09/886,773APPLICANT
Guy W. Bemis, et al.FILING DATE
June 21, 2001GROUP
1653INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

U.S. PATENT DOCUMENTS

classification

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>DL</i>	4,276,298	06/30/81	Jones et al.	424	270	514-367
<i>DL DL</i>	4,369,183	01/18/83	Jones et al.	424	263	514-338
<i>DL DL</i>	4,499,295	02/12/85	Mueller et al.	560	53	
<i>DL DL</i>	4,551,279	11/05/85	Mueller et al.	260	404	554-62
<i>DL DL</i>	4,584,397	04/22/86	Mueller et al.	560	75	
<i>DL DL</i>	4,968,607	11/06/90	Dower et al.	435	69.1	
<i>DL DL</i>	5,008,245	04/16/91	Digenis et al.	514	18	
<i>DL DL</i>	5,055,451	10/08/91	Krantz et al.	514	19	
<i>DL DL</i>	5,081,228	01/14/92	Dower et al.	530	35.1	530-351
<i>DL DL</i>	5,158,936	10/27/92	Krantz, et al.	514	19	
<i>DL DL</i>	5,180,812	01/19/93	Dower et al.	530	351	
<i>DL DL</i>	5,374,623	12/20/94	Zimmerman et al.	514	17	08/20/92
<i>DL DL</i>	5,411,985	05/02/95	Bills et al.	514	460	05/17/93
<i>DL DL</i>	5,416,013	05/16/95	Black et al.	435	226	02/18/04
<i>DL DL</i>	5,430,128	07/04/95	Chapman et al.	530	330	11/21/94
<i>DL DL</i>	5,434,248	07/18/95	Chapman et al.	530	330	06/02/93
<i>DL DL</i>	5,462,939	10/31/95	Dolle et al.	514	231.5	05/07/93
<i>DL DL</i>	5,486,623	01/23/96	Zimmerman et al.	549	417	12/08/93
<i>DL DL</i>	5,498,616	03/12/96	Mallamo et al.	514	300	11/04/94
<i>DL DL</i>	5,498,695	03/12/96	Daumy et al.	530	331	12/12/94
<i>DL DL</i>	5,552,400	09/03/96	Dolle et al.	514	221	06/08/94
<i>DL DL</i>	5,565,430	10/15/96	Dolle et al.	514	19	08/02/94
<i>DL DL</i>	5,585,357	12/17/96	Dolle et al.	514	18	01/29/96
<i>DL DL</i>	5,585,486	12/17/96	Dolle et al.	544	182	05/12/95
<i>DL DL</i>	5,639,745	06/17/97	Dolle et al.	514	183	05/25/95
<i>DL DL</i>	5,670,494	09/23/97	Dolle et al.	514	86	11/20/95

EXAMINER

DATE CONSIDERED

6/13/03

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.

Exhibit 4

Modified PTO 1083
For Other Than A Small Entity

Attorney Docket No. VPI/94-04CIP2DIV5

Examiner : D. Lukton
Group : 1653
Applicants : Guy W. Bemis et al.
Appln. No. : 09/886,773 Confirmation No.: 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β CONVERTING
ENZYME

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EV132198611US.

Date of Deposit April 1, 2004.

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.


Claire J. Saint-Jean Goodman

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

New York, New York
April 1, 2004

TRANSMITTAL LETTER

Sir:

Transmitted herewith: [] a Preliminary Amendment;
[] a Supplemental Amendment; [] a substitute Specification; []
a Declaration; [] a Supplemental Declaration; [] a Power of
Attorney; [] an Associate Power of Attorney; [] formal
drawings; [x] Statement to Verify Content of Computer Readable
Form Submission under 37 C.F.R. § 1.821; [x] a paper copy of the
Sequence Listing; to be filed in the above-identified patent
application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	=	x	\$18	= \$ 0.00
INDEPENDENT CLAIMS	-	=	x	\$86	= \$ 0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+	\$290	= \$.00
				TOTAL	\$ 0.00

☐ A check in the amount of \$_____ in payment of the fee for additional claims is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

☐ Please charge \$_____ to Deposit Account No. 06-1075 in payment of the fee for additional claims. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE


☐ The following extension fee is applicable to the Response filed herewith: ☐ \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$420.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$950.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,480.00 extension fee for response within fourth month

pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,010.00 extension fee for response within fifth month pursuant to 37 C.F.R. § 1.136(a).

☐ A check in the amount of ☐ \$110.00 ☐ \$420.00 ☐ \$950.00 ☐ \$1,480.00 ☐ \$2,010.00 in payment of the extension fee is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional extension fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

☐ Please charge the ☐ \$110.00 ☐ \$420.00 ☐ \$950.00 ☐ \$1,480.00 ☐ \$2,010.00 extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.


James F. Haley, Jr. (Reg. No. 27,794)
Min Wang (Reg. No. 51,303)
Attorneys for Applicants

c/o Fish & Neave
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000
Fax.: (212) 596-9090

Examiner : David Lukton
Group : 1653
Applicants : Guy W. Bemis, et al.
Appln. No. : 09/886,773 Confirmation No. 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β CONVERTING ENZYME

New York, New York
April 1, 2004

Hon. Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

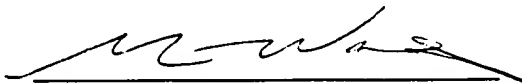
STATEMENT TO VERIFY CONTENT OF COMPUTER READABLE
FORM SUBMISSION UNDER 37 C.F.R. § 1.821

Sir:

In accordance with 37 C.F.R. §§ 1.821(a) and 1.821(g), I hereby state that the paper copy of the Sequence Listing attached herewith does not include new matter and is supported by the application as originally filed.

I hereby state that the paper copy of the Sequence Listing in this application is identical to the computer readable copy of the Sequence Listing filed in United States Application No. 08/828,941, filed March 28, 1997 (now United States

Patent No. 5,973,111). In accordance with 37 C.F.R. § 1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the United States Patent and Trademark Office will make the necessary change in application number and filing date for the instant application.



James F. Haley, Jr. (Reg. No. 27,794)
Min Wang (Reg. No. 51,303)
Attorneys for Applicants
c/o FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000

SEQUENCE LISTING

(1) GENERAL INFORMATION:

- 5 (i) APPLICANT: Bemis, Guy W
Golec, Julian M.C.
Lauffer, David J
Mullican, Michael D
Murcko, Mark A
Livingston, David J
- 10 (ii) TITLE OF INVENTION: INHIBITORS OF
INTERLEUKIN-1 BETA CONVERTING ENZYME
- (iii) NUMBER OF SEQUENCES: 2
- (iv) CORRESPONDENCE ADDRESS:
15 (A) ADDRESSEE: James F. Haley, Jr.
(B) STREET: 1251 Avenue of the Americas
(C) CITY: New York
(D) STATE: New York
(E) COUNTRY: United States of America
(F) ZIP: 10020
- 20 (v) COMPUTER READABLE FORM:
(A) MEDIUM TYPE: Floppy disk
(B) COMPUTER: IBM PC compatible
(C) OPERATING SYSTEM: PC-DOS/MS-DOS
25 (D) SOFTWARE: PatentIn Release #1.0, Version
#1.30
- (vi) CURRENT APPLICATION DATA:
(A) APPLICATION NUMBER: US 08/828,941
(B) FILING DATE: 28-MAR-1997
(C) CLASSIFICATION:
- 30 (vii) PRIOR APPLICATION DATA:
(A) APPLICATION NUMBER: US 08/440,898
(B) FILING DATE: 25-MAY-1995
- (vii) PRIOR APPLICATION DATA:
35 (A) APPLICATION NUMBER: US 08/405,581
(B) FILING DATE: 17-MAR-1995
- (vii) PRIOR APPLICATION DATA:
(A) APPLICATION NUMBER: US 08/261,452
(B) FILING DATE: 17-JUN-1994

(viii) ATTORNEY/AGENT INFORMATION:

- (A) NAME: Haley Jr, James F
- (B) REGISTRATION NUMBER: 27,794
- (C) REFERENCE/DOCKET NUMBER: VPI/94-04 CIPII
DIVIII

5

(ix) TELECOMMUNICATION INFORMATION:

- (A) TELEPHONE: 212-596-9000
- (B) TELEFAX: 212-596-9090

(2) INFORMATION FOR SEQ ID NO:1:

10 (i) SEQUENCE CHARACTERISTICS:

- (A) LENGTH: 4 amino acids
- (B) TYPE: amino acid
- (C) STRANDEDNESS: single
- (D) TOPOLOGY: linear

15 (ii) MOLECULE TYPE: peptide

(iii) HYPOTHETICAL: NO

(iv) ANTI-SENSE: NO

(ix) FEATURE:

- (A) NAME/KEY: Modified-site
- (B) LOCATION: 1
- (D) OTHER INFORMATION: /product= "OTHER"
/note= "tyrosine is succinylated"

20

(ix) FEATURE:

- (A) NAME/KEY: Modified-site
- (B) LOCATION: 4
- (D) OTHER INFORMATION: /product= "OTHER"
/note= "aspartic acid residue is
derivatized with p-nitroanilide"

25

(xi) SEQUENCE DESCRIPTION: SEQ ID NO:1:

30 Tyr Val Ala Asp
1

(2) INFORMATION FOR SEQ ID NO:2:

(i) SEQUENCE CHARACTERISTICS:

- (A) LENGTH: 4 amino acids
- (B) TYPE: amino acid
- (C) STRANDEDNESS: single
- (D) TOPOLOGY: linear

35

(ii) MOLECULE TYPE: peptide

(iii) HYPOTHETICAL: NO

(iv) ANTI-SENSE: NO

(ix) FEATURE:

5

(A) NAME/KEY: Modified-site

(B) LOCATION: 1

(D) OTHER INFORMATION: /product= "OTHER"
/note= "tyrosine is acetylated"

(ix) FEATURE:

10

(A) NAME/KEY: Modified-site

(B) LOCATION: 4

(D) OTHER INFORMATION: /product= "OTHER"
/note= "aspartic acid is derivatized with
amino-4-methylcoumarin"

15

(xi) SEQUENCE DESCRIPTION: SEQ ID NO:2:

Tyr Val Ala Asp

1

Exhibit 5

PATENTS

Modified PTO 1083
For Other Than A Small Entity

Attorney Docket No. VPI/94-04CIP2DIV5

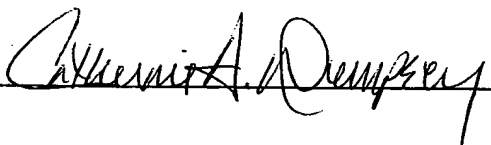
Examiner : David Lukton
Group : 1653
Applicants : Guy W. Bemis et al.
Appln. No. : 09/886,773 Confirmation No.: 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β CONVERTING
ENZYME

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EV615578794US.

Date of Deposit February 18, 2005

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Mail Stop SEQUENCE, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.



Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313
Mail Stop SEQUENCE

New York, New York
February 18, 2005

TRANSMITTAL LETTER

Sir:

Transmitted herewith: [] a Preliminary Amendment; []
a Supplemental Amendment; [] a substitute Specification; [] a

Declaration; ☐ a Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of Attorney; ☐ formal drawings; ☒ Corrected Reply to Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosure; ☒ Statement to Support Filing and Submission in Accordance With 37 C.F.R. § 1.821-§ 1.825; ☒ a Computer Readable Copy of the Sequence Listing; ☒ a paper copy of the Sequence Listing (2 pages); to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	=	x	\$50	= \$ 0.00
INDEPENDENT CLAIMS	-	=	x	\$200	= \$ 0.00
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$360	= \$ 0.00
				TOTAL	\$0.00

☐ A check in the amount of \$_____ in payment of the fee for additional claims is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

- [] Please charge \$ __ to Deposit Account No. 06-1075 in payment of the fee for additional claims. A duplicate copy of this transmittal letter is transmitted herewith.

EXTENSION FEE

- [] The following extension fee is applicable to the Response filed herewith: [] \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [] \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [] \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [] \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); [] \$2,160.00 extension fee for response within fifth month pursuant to 37 C.F.R. § 1.136(a).
- [] A check in the amount of [] \$120.00 [] \$450.00 [] \$1,020.00 [] \$1,590.00 [] \$2,160.00 in payment of the extension fee is transmitted herewith.
- [X] The Director is hereby authorized to charge payment of any additional extension fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- [] Please charge the [] \$120.00 [] \$450.00 [] \$1,020.00 [] \$1,590.00 [] \$2,160.00 extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Michele A. Kercher
James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
Michele A. Kercher (Reg. No. 51,869)
Agent for Applicants
c/o FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000
Fax.: (212) 596-9090

EV615578794US

PATENTS
VPI/94-04 CIP2 DIV5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : David Lukton
Group : 1653
Applicants : Guy W. Bemis, et al.
Appln. No. : 09/886,773 Confirmation No. 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β CONVERTING
ENZYME

New York, New York
February 18, 2005

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop SEQUENCE

CORRECTED REPLY TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID
SEQUENCE DISCLOSURE

Sir:

This is further to the January 19, 2005 and
January 21, 2005 telephone conferences with Examiner Lukton
concerning applicants' alleged failure to comply with the
requirements of the sequence rules in the above-identified
application.

Applicants made a good faith effort to respond to
the March 1, 2004 Notice to Comply with Requirements for

Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures by filing an April 1, 2004 Statement to Verify Content of Computer Readable Form Submission Under 37 C.F.R. § 1.821. Examiner Lukton, however, said that applicants' April 1, 2004 Statement could not be entered because the Sequence Listing referred to in that statement is not related to the above application.

Specifically, the April 1, 2004 Statement requested the transfer of the Sequence Listing from United States Application No. 08/828,941, filed March 28, 1997 (now United States Patent No. 5,973,111) in accordance with 37 C.F.R. § 1.821(e). However, Examiner Lukton said that such transfer could not be done because applicants did not list United States Application No. 08/828,941 in the "Continuity Information" of the Application Data Sheet when the above application was originally filed.

Applicants have, therefore, submitted the enclosed computer readable copy of the Sequence Listing, a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825, and a paper copy of the Sequence Listing. This corrects any procedural defects that may have been present in the April 1, 2004 filing, which certainly had the intention of presenting this very same Sequence Listing in this application.

Applicants request consideration of this Sequence Listing and associated papers. The January 2005 telephone calls with Examiner Lukton were the first notice to applicants or their agents that applicants' April 2004 response was potentially defective. This Corrected Reply is filed within 30 days of the earliest of those calls. Applicants apologize to Examiner Lukton and the United States Patent and Trademark Office for any inconvenience their original Reply to the Notice to Comply may have caused.

Applicants do not believe any additional charge is due at this time. However, the Director is authorized to charge any additional fees that may be due to Deposit Account No. 06-1075. A duplicate copy of this Corrected Reply is enclosed herewith.

Michele A. Kercher
James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
Michele A. Kercher (Reg. No. 51,869)
Agent for Applicants
c/o FISH & NEAVE IP GROUP
ROPES AND GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: VPI/94-04 CIP2 DIV5 US

In re patent application of

BEMIS, GUY W. et al.

Serial No. 09/886,773

Filed: June 21, 2001

For: INHIBITORS OF INTERLEUKIN-1 BETA CONVERTING ENZYME

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Date

February 8, 2005

James A. Coburn

HARBOR CONSULTING IP SERVICES, INC.
1500A Lafayette Road, #262
Portsmouth, N.H. 03801
800-318-3021

1

SEQUENCE LISTING

<110> BEMIS, GUY W.
GOLEC, JILIAN M.C.
LAUFFER, DAVID J.
MULLICAN, MICHAEL D.
MURCKO, MARK A.
LIVINGSTON, DAVID J.

<120> INHIBITORS OF INTERLEUKIN-1 BETA CONVERTING ENZYME

<130> VPI/94-04 CIP2 DIV5 US

<140> 09/886,773
<141> 2001-06-21

<150> 09/430,822
<151> 1999-10-29

<150> 08/465,216
<151> 1995-06-05

<150> 08/440,898
<151> 1995-05-25

<150> 08/405,581
<151> 1995-03-17

<150> 08/261,452
<151> 1994-06-17

<160> 2

<170> PatentIn Ver. 3.3

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<212> PRT
<213> Artificial Sequence

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Peptide

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<220>
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<222> (4)
<223> residue is derivatized with p-nitroanilide

<400> 1
Tyr Val Ala Asp
1

<210> 2
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<213> Artificial Sequence

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Peptide

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<222> (1)
<223> acetelylated

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<222> (4)
<223> residue is derivatized with amino-4-methylcoumarin

<400> 2
Tyr Val Ala Asp
1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : David Lukton
Group : 1654
Applicants : Guy W. Bemis, et al.
Appln. No. : 09/886,773 Confirmation No. 6928
Filed : June 21, 2001
For : INHIBITORS OF INTERLEUKIN-1 β CONVERTING
ENZYME

Mail Stop Petition New York, New York
Hon. Commissioner for Patents September 9, 2005
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MICHELE A. KERCHER
IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. § 1.181(a) OR, IN THE ALTERNATIVE, TO
REVIVE UNINTENTIONALLY ABANDONED APPLICATION
PURSUANT TO 37 C.F.R. § 1.137(b)

Sir:

I, MICHELE A. KERCHER, declare that:

1. I am a patent agent at the Fish and Neave IP Group of Ropes & Gray, LLP. I make this declaration in support of applicants' Petition to Withdraw Holding of Abandonment Pursuant to 37 C.F.R. § 1.181(a) or, in the alternative, to Revive An Unintentionally Abandoned Application Pursuant to 37 C.F.R. § 1.137(b), filed concurrently herewith.

2. On April 26, 2004, I contacted Examiner Lukton concerning the Statement To Verify Content of Computer Readable Form Submission under 37 C.F.R. § 1.821 ("Statement") and the paper copy of the Sequence Listing ("Sequence Listing") filed in reply to the March 1, 2004 Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures, which was filed by applicants' attorney, Ms. Min Wang, on April 1, 2004. Examiner Lukton confirmed receipt of the Statement and Sequence Listing. He stated that his April 1, 2004 Office Communication, which indicated that compliance with the sequence disclosure rules was still required and applicants' Statement and Sequence Listing filed on April 1, 2004 had crossed in the mail. Examiner Lukton further stated that the application was not in danger of abandonment.

3. The undersigned further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize

the validity of the above-identified application or of any patent issuing thereon.

Michele A. Kercher

Michele A. Kercher (Reg. No. 51,869)

Agent for Applicants

c/o FISH & NEAVE IP GROUP

ROPES AND GRAY LLP

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020

Tel.: (212) 596-9000

Signed this 9 day

of September, 2005,

at New York, NY